



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JLP:ddj  
Docket No: 2600-01  
12 June 2001



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 June 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1780 PERS 604 of 30 May 2001, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

1780  
PERS-604  
30 Mar 01

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO  
[REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 27 Mar 01  
(b) Title 38, United States Code, Chapter 30

1. The following is provided in response to reference (a). Recommend denial of [REDACTED]'s request to enroll in the Montgomery GI Bill (MGIB) Program. A review of NCC [REDACTED] master microfiche record indicates she disenrolled from the MGIB Program on 25 September 1985. Per reference (b), the decision to disenroll is irrevocable. Additionally, in 1988 Congress thought many persons who entered service after 30 June 1985 were not adequately advised of, and consequently did not fully understand, the significance of an election to decline educational assistance under the MGIB Program. Consequently, Congress enacted a law which allowed an "open period", during which members who had previously made elections to decline benefits could withdraw such elections from 1 December 1988 to 30 June 1989. NCC [REDACTED] did not use this opportunity to change her election and therefore is not eligible for enrollment in the MGIB Program at this time.

2. PERS-604's point of contact is Ms. [REDACTED] who can be reached at (DSN) 882-4260 or (C) 901-874-4260.

[REDACTED]  
Commander, U.S. Navy  
Deputy Director, Navy Drug &  
Alcohol, Behavioral Health,  
Federal Education, &  
Partnerships Division (PERS-60)